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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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W. Garland Phillips

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MOTOROLA INC

600 NORTH US HIGHWAY 45

ROOM AS437

LIBERTYVILLE, IL 60048-5343

EXAMINER

DIVECHA, KAMAL B

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/874,837	<b>Applicant(s)</b> PHILLIPS, W. GARLAND	
	<b>Examiner</b> KAMAL B. DIVECHA	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Response to Arguments**

Claims 1-14 are now pending in this application.

This application has been reassigned to another examiner. The examiner has carefully evaluated the instant claims in view of the prior art. The examiner has conducted a new and careful search of the pertinent prior art areas and presents herein an examination of the claims in view of the newly discovered prior art references.

**DETAILED ACTION**

**Drawings**

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recited limitation “designating a particular client device with a longest link latency among the plurality of client device as a pacer participant for an ongoing chat session” and “adjusting transmission timing of chat messages to each client device, except for the pacer participant, based on said link latency, thereby synchronizing reception of each chat message at the plurality of client devices based on said link latency” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

Art Unit: 2151

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites:

A method of communicating messages with a plurality of client devices that include one or more wireless devices over a communication link, comprising:

- determining a link latency associated with communicating a message with at least one wireless device;
- designating a particular client device with a longest link latency among the plurality of client devices as a pacer participant for an ongoing chat session; and
- adjusting transmission timing of chat messages to each client device, except for the pacer participant, based on said link latency, thereby synchronizing reception of each chat message at the plurality of client devices based on said link latency.

The phrase "pacer" in the claim renders the claim indefinite because the phrase is not clearly defined either in the claim or the specification.

Art Unit: 2151

The limitation “designating a particular client device....” will simply be interpreted as selecting a client device with longest link latency.

Claims 2-7 are rejected for the same reasons as set forth in claim 1 above due to their dependency on claim 1.

Claims 8-14 recites the similar subject matter as in claim 1, but in a computer system form. Therefore claims 8-14 are rejected for the same reasons as set forth in claims 1-7 above.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crandall et al. (hereinafter Crandall, US 2002/0107040 A1) in view of Toporek et al. (hereinafter Toporek, US 6,654,344 B1).

As per claim 1, Crandall discloses a method of communicating messages with a plurality of client devices that include one or more devices over a communication link, comprising:

- determining a link latency associated with communicating a message with at least one device (fig. 4 item #300, 360, fig. 5 item #500, 580, fig. 9 item #900);

- designating a particular client device with a longest link latency among the plurality of client devices as a pacer participant for an ongoing session (pg. 4 [0053-0057], pg. 5 [0060-0064] and fig. 10); and

Art Unit: 2151

- adjusting transmission timing of messages to each client device, except for the pacer participant, based on said link latency, thereby synchronizing reception of each message at the plurality of client devices based on said link latency (fig. 7 item #760, fig. 9 item #980, pg. 4 [0053-0057]).

However Crandall does not teach the process of applying his invention to wireless systems, specifically chatting over wireless networks using the wireless devices.

Toporek, from the same field of endeavor explicitly discloses the process and system for enabling chatting over the wireless networks using the wireless devices (fig. 1, fig. 3E, col. 1 L65 to col. 2 L10, col. 2 L65 to col. 3 L5).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Crandall in view of Toporek in order to apply Crandall's teachings in a wireless networks, specially in a chatting environment.

One of ordinary skilled in the art would have been motivated because it would have provided an efficient system of transmitting information for Internet services over the large geographical regions using the wireless communication media (Toporek, col. 2 L60-64). Further, One of ordinary skilled in the art would have been motivated because it would have provided a mechanism for providing the same amount of latency for different users involved in a relationship over the network by latency determination and equalization (Crandall, pg. 1 [0003-0009]).

As per claim 2, Crandall discloses the process wherein the link latency corresponds to a delay associated with communicating a message with at least one device (pg. 3 [0045]).

Art Unit: 2151

As per claim 3, Crandall discloses the process wherein the transmission timing of the messages is adjusted by delaying a message transmission in accordance with a time reference derived from the link latency (pg. 3 [0045], pg. 4 [0049]).

As per claim 4, Crandall discloses the process wherein the transmission timing of the messages is delayed such that the messages arrive at the plurality of client devices within a predetermined time period (pg. 4 [0049]).

As per claim 5, Crandall discloses the process wherein the link latency is determined using a low-level network protocol (pg. 2 [0030-0032]).

As per claim 6, Crandall discloses the process further including informing a client device with slowest latency of a link latency of a next slowest client device (i.e. informing a client of a higher latency, pg. 5 [0060-0064]); transmitting a message from the client device with the slowest latency to other client devices with a delayed latency that is based on the link latency of the next slowest client device (i.e. compensating the amount of higher latency, pg. 4 [0057], pg. 5 [0060-0064]); and displaying a message originated at the client with slowest latency after a delay that accounts for the delayed link latency (i.e. displaying message after adding the delay, pg. 3 [0045], pg. 4 [0057], pg. 5 [0060-0064]).

As per claim 7, Crandall discloses the process wherein said latency measurement is repeated over time (pg. 3 [0038], fig. 9 and pg. 4 [0058]).

As per claims 8-14, they do not teach or further define over the limitations in claims 1-7 (i.e. claims 8-14 are similar to claims 1-7, but in different form). Therefore claims 8-14 are rejected for the same reasons as set forth in claims 1-7.

**Additional References**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Djennane et al., US 2002/0078154 A1: WAP based instant collaboration tool.
- b. Lipa et al., US 6,061,722: Assessing network performance.
- c. Rajagopal et al., US 2002/0143998 A1: High Accuracy distributed time synchronization.
- d. Knauerhase et al., US 6,215,774 B1: System for dynamically determining effective speed of a communication link.

**Conclusion**

To conclude, the invention disclosed by the amended claims in the present application appears to be an obvious modification over the prior art made of record. Crandall, technically, discloses the patentable subject matter, i.e. Crandall solves the problem of synchronizing the messages with a plurality of users having variable link latency based on the higher latency, however, Crandall does not disclose applying the invention to wireless systems. But, wireless systems, specifically, chatting over the wireless networks using the portable wireless devices is well known in the relevant art, as evident by plurality of cited references. Therefore, applying Crandall's teachings and/or invention to a wireless chatting environment or systems is simply considered an obvious modification, as set forth above in the rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.



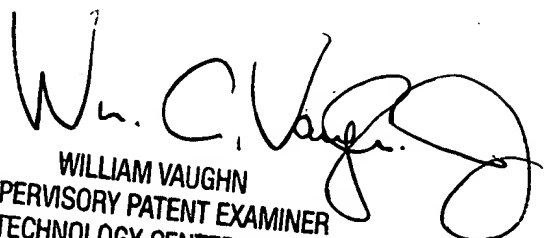
Art Unit: 2151

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kamal Divecha  
Art Unit 2151  
October 4, 2006.



WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100